
DIGEST

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Abramson

HB No. 613

Abstract: Provides that a trial by jury shall not be available in a suit where the aggregate amount of all causes of action does not exceed \$50,000, exclusive of interest and costs.

Present law provides that a trial by jury shall not be available in a suit where the amount of no individual petitioner's cause of action exceeds \$50,000, exclusive of interest and costs.

Present law provides that a trial by jury is not available in certain actions, including: suits on certain unconditional obligations; summary, executory, probate, partition, mandamus, habeas corpus, quo warranto, injunction, concursus, workers' compensation, emancipation, tutorship, interdiction, curatorship, filiation, annulment of marriage, or divorce proceedings; proceedings to determine custody, visitation, alimony, or child support; proceedings to review an action by an administrative or municipal body; and all cases where a jury trial is specifically denied by law.

Proposed law provides that a trial by jury shall not be available in a suit or consolidates suits where the aggregate amount of all causes of action of one or more petitioners does not exceed \$50,000, exclusive of interest and costs.

Present law provides that if an individual petitioner stipulates or otherwise judicially admits 60 days or more prior to trial that the amount of the individual petitioner's cause of action does not exceed \$50,000, exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.

Proposed law applies the present law procedure to the aggregate of all of the petitioners' causes of action.

Present law provides that if an individual petitioner stipulates or otherwise judicially admits for the first time less than sixty days prior to trial that the amount of the individual petitioner's cause of action does not exceed \$50,000, exclusive of interest and costs, any other party may retain the right to a trial by jury if that party is otherwise entitled to a trial by jury and has otherwise complied with the procedural requirements for obtaining a trial by jury.

Proposed law applies the present law procedure to the aggregate of all of the petitioners' causes of action.

Present law provides that notwithstanding C.C.P. Art. 1732(1)(a) and (b), if, as a result of a compromise or dismissal of one or more claims or parties which occurs less than 60 days prior to trial, an individual petitioner stipulates or otherwise judicially admits that the amount of the

individual petitioner's cause of action does not exceed \$50,000 exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.

Proposed law applies the present law procedure to the aggregate of all of the petitioners' causes of action.

Proposed law provides for prospective application to actions filed on or after Aug. 1, 2014.

(Amends C.C.P. Art. 1732(1))